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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,434	05/24/1999	SUSUMU KOBAYASHI	500.37238X00	9103

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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/317,434

Applicant(s)

KAMEGI ET AL.

Examiner

DEBBIE M LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

Applicants' arguments filed on 12/31/02. Claims 9-17 are newly added. Claims 1-17 are presented for examinations.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-11, 13-14, 16-17 are rejected under 35 U.S.C. 112, forth paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

NOTE: the language in the specification must mirror or support the claimed language (i.e., "common storage device" equally to "External File").

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleewein et al (US Patent 6,105,017).

As per claim 1, Kleewein discloses a deferring large object retrievals from a remote database comprising:

a first process of enabling a database server operating at a server to store data (fig. # 22, col. 4, lines 10-13), to a common storage device (fig. 1, # 10, # 12, col. 4, lines 8-18), which is shared between said client (fig. 1, # 18, col. 4, lines 5-7) and said server other than a storage device to which said database is stored, (fig 1, # 24, col. 4, lines 41-67), and to respond to said request by transmitting an identifying information which identifies a storage area of said data stored on said common storage device to said program (abstract, fig. 2a-b, col. 5, lines 27-29); and

a second process of enabling said program to refer to said common storage area based on said identifying information of said stored data, to obtain said stored data (figs. 2a-b, col. 5, lines 30-55).

As per claim 2, Kleewein teaches:

a third process of enabling said database server to create a storage area identifying information for identifying the area on said storage device to which said data is outputted (col. 3, lines 39-40, col. 4, lines 55-56);

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a fourth process of notifying said program of said storage area identifying information from said database server, and a fifth process of enabling said program to refer to the area on said storage device using said storage identifying information obtained by said notification to obtain said data (col. 5, lines 43-67).

As per claim 3, Kleewein teaches:

a sixth process of enabling said program to request an execution of a function defined in said database, a seventh process of enabling said database server to execute said function according to a request from said program, an eighth process of enabling said function to create a storage area identifying information of said storage device to which said data is outputted, a ninth process of enabling said function to output said data to said storage area; and a tenth process of enabling said function to notify said database server of said storage area identifying information (col. 6, lines 12-67).

As per claim 5, Kleewein teaches:

a process of enabling said program to refer to said storage device to which said data is outputted by said database server, at the same node as a node where said database server is in operation to obtain said data (col. 5, lines 39-55).

As per claim 6, Kleewein teaches:

first means for enabling a database server (fig. # 22, col. 4, lines 10-13) operating in a server to output to a file said massive amount of data stored in a database requested by a program operating in a client (fig. 1, # 18, col. 4, lines 5-7), said file being at a common storage device (fig. 1, # 10, # 12, col. 4, lines 8-18) which is

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shared between said client and said server other than a storage device at which said database is stored, and to respond to said request by transmitting identifying information which identifies said file on said common storage device to said program (col. 5, lines 25-38);

and second means for enabling said program to refer to said file where said massive amount of data is outputted from said common storage area by said first means and based on said identifying information, to obtain said massive amount of data (col. 5, lines 56-67, col. 6, lines 1-67).

As per claim 7, Kleewein teaches:

means of enabling said database server to create a file identifying information for identifying said file where said massive amount of data is outputted, means of notifying said program of said file identifying information from said database server, and means of enabling said program to refer to said file by using said file identifying information obtained by said notification, to obtain said massive amount of data (col. 5, lines 43-67).

Claim 8 is rejected by the same rationale as stated in independent claim 6 argument.

As per claims 10-11, 13-14, 16-17, Kleewein teaches wherein said first process (col. 4, lines 55-57) enables said database server to store data to said common storage device (fig. 1, # 10) in response to a request by said program operating at said client (fig. 1, # 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleewein et al (US Patent 6,105,017) in view of Lu et al (Dynamic and Load-balanced Task-Oriented Database Query Processing in Parallel Systems).

As per claim 4, Kleewein does not explicitly teach a process of enabling plural processes, which has a parallel database arrangement and executes a database process in parallel, to output said data to said storage device in parallel. However, Lu teaches processing in parallel database system. Thus, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to implement a process of enabling plural processes in a parallel database as disclosed by Lu's system in order to speed up process and to achieve any significant break through in performance.

Claim 9,12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleewein et al (US Patent 6,105,017) in view of Briscoe et al (US Patent 5,920,870).

As per claims 9, 12 and 15, Kleewein teaches the common storage device (fig. 1, # 10), but Kleewein does not teach a result of a database operation is stored in the common storage device. However, Briscoe teaches a result of a database operation is stored (col. 9, lines 9-30, col. 11, lines 37-48). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kleewein with Briscoe to store the result of database operation to the common storage because it would allow plurality of users to share/or access the same information in order to speed up process and to achieve any significant break through in performance.

Response to Arguments

Applicant's arguments filed on 12/31/02 have been fully considered but they are not persuasive.

Applicant argued that Kleewein does not support the first process and second process.

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In response, the examiner respectfully disagrees. Kleewein ('017) teaches a first process at column 4, lines 55-57 that "remote database control procedure (hereafter RDCP) 34 stores an application query 36 received from application program 19." A second process at column 4, lines 57-60 that "RDCP 34 further responds to receipt of application query 36 by establishing an SQL query 38 to a remote database wherein data is stored which is required to respond to application query 36." From the above passages, it is clear that Kleewein does anticipate teach the claimed language first and second process.

Applicant argued that Kleewein does not teach in dependent claim 2 that the storage area identifying information is created and is notified from the database server, and the data is referred based on the storage area identifying information, in dependent claim 3 that the storage area identifying information of the common storage device to which the data is output is created and dependent claim 5 that the data is referred to at a same node.

In response, the examiner respectfully disagrees. Kleewein does teach the storage area identifying information is created and is notified from the database server, and the data is referred based on the storage area identifying information at col. 3, lines 39-40, col. 4, lines 55-56, the storage area identifying information of the common storage device to which the data is output is created (col. 6, lines 12-67), and the data is referred to at a same node (col. 5, lines 39-55).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le
January 14, 2003



GRETA ROBINSON
PRIMARY EXAMINER